



State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095

(603) 271-2900 FAX (603) 271-2456



March 16, 2004

CERTIFIED MAIL

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RETURN RECEIPT REQUESTED

NOTICE OF PAST VIOLATION

Velcro USA, Inc.
406 Brown Avenue
Manchester, New Hampshire 03103

Attn: Mr. Marc Duquette, Senior Environmental Engineer

Re: Velcro USA, Inc.
Manchester, New Hampshire
EPA ID # NHD085575538

Dear Mr. Duquette:

On January 8, 2004, the Department of Environmental Services, Waste Management Division ("DES") conducted an inspection of Velcro USA, Inc. ("Velcro"). The purpose of the inspection was to determine Velcro's compliance status relative to RSA Ch. 147-A and the New Hampshire Hazardous Waste Rules, Env-Wm 100-1100.

As a result of the inspection and review of the information provided to DES, the following deficiencies were documented:

1 Env-Wm 509.02(a)(1) – General Inspection Requirements

At the time of inspection, DES confirmed that Velcro had not documented inspections of the hazardous waste storage area for the weeks of May 10, 2001, and June 24, 2002, for a total of two (2) weeks over a 3-year time period.

Env-Wm 509.02(a)(1), which references 40 CFR 265.15, General Inspection Requirements, requires full quantity generators to conduct and document inspections of the facility, including the hazardous waste storage area(s).

DES requested that Velcro continue to record in an inspection log or summary, inspections of its hazardous waste storage areas.

At the time of the inspection, DES confirmed that Velcro is currently conducting and documenting weekly inspections of the facility, including the hazardous waste storage area. No further action is required.

2 Env-Wm 509.02(a)(2) – Personnel Training

A review of Velcro's personnel training program revealed that Emergency Coordinator Bob Grillo had not taken part in annual hazardous waste training reviews for the years 2002 and 2003.

Env-Wm 509.02(a)(2), which references 40 CFR 265.16, Personnel Training, requires full quantity generators to maintain a personnel training program. This includes, but is not limited to, ensuring that reviews are conducted for personnel handling hazardous waste.

DES requested that Velcro conduct and document hazardous waste training and annual updates for all Emergency Coordinators.

A January 16, 2004 submittal from Mr. Marc Duquette, Senior Environmental Engineer, provided documentation exhibiting that Emergency Coordinator Bob Grillo received hazardous waste training for the year 2004. No further action is required.

3. Env-Wm 509.02(a)(5) – Contingency Plan

A review of Velcro's contingency plan revealed that the home addresses of persons qualified to act as emergency coordinators had been omitted.

Env-Wm 509.02(a)(5), which references 40 CFR 265, Subpart D, requires full quantity generators to maintain a complete contingency plan at the site.

DES requested that Velcro revise and update its contingency plan to correct any deficiencies as identified in the enclosed Contingency Plan Module.

In a January 16, 2004 submittal from Mr. Marc Duquette, Senior Environmental Engineer, documentation was provided demonstrating that Velcro's contingency plan was complete. No further action is required.

4. Env-Wm 1102.03(c)(1) – Universal Waste Management

At the time of the inspection, the following containers of universal waste lamps were not closed:

- (a) Three (3) boxes located in the Plastics Building (PB); and
- (b) Five (5) boxes located in the Hazardous Waste Storage Area.

Env-Wm 1102.03(c)(1) requires universal waste containers to be closed, except when universal waste is being added to or removed from the container.

DES requested that Velcro ensure that containers of universal waste lamps are closed, except when universal waste is being added to or removed from the container.

In a January 16, 2004 submittal from Mr. Marc Duquette, Senior Environmental Engineer, documentation was provided to substantiate compliance with the Universal Waste closed container requirement. No further action is required.

According to DES notification records, Velcro had notified as a Large Quantity Generator (>1000 kilograms/ month). However, at the time of the inspection, Velcro provided a used oil determination exhibiting that their former NH01 used oil classification had been updated to a "Used Oil for Recycle" status. As a result, DES requests that Velcro review facility hazardous waste generation rates in order to determine proper generator status; and if necessary, complete and submit a subsequent notification form (enclosed) that accurately reflects a change in generator status to a Full Quantity Generator (100 - 1000 kilograms/ month).

During the physical inspection of Velcro's PB Maintenance Area, DES observed one (1) open one-gallon container of hazardous waste "Wasser High-Tech Coatings MC-Clear" polyurethane polyisocyanate resin & solvent. A sign attached to the open container read "Let Harden." The container was immediately closed by facility personnel and subsequently sent for off-site disposal on 1/12/04. Be advised that the evaporation of hazardous waste is an improper method of disposal and constitutes unauthorized "treatment" of a hazardous waste in accordance with RSA 147-A:4.

DES believes the deficiencies identified during the inspection have been corrected and acknowledges receipt of a report describing the corrective measures taken by Velcro to achieve compliance. Accordingly, no further action in response to the listed deficiencies is required. However, DES personnel may reinspect your facility at a later date to determine whether the facility is maintaining full compliance with the applicable rules. Fines may also be pursued for any or all violations observed during this or subsequent inspections of the facility.

Enclosed you will find a copy of the completed Hazardous Waste Generator Inspection Report which documents the compliance status of your facility at the time of the inspection. This checklist may also be of value to you for use in determining future compliance with the New Hampshire Hazardous Waste Rules.

The State of New Hampshire Hazardous Waste Rules, as well as much other useful information, can be obtained from DES's website at <http://www.des.state.nh.us/hwcs/>, or by contacting the Public Information Center at (603) 271-2975.

It is the goal of DES to promote the prevention of pollution at the source as the preferred option for meeting established environmental quality goals. We strive to ensure that pollution

prevention options are considered first, followed by recycling, treatment and disposal. I am requesting that the DES's Pollution Prevention Coordinator, Stephanie D'Agostino, contact you to discuss possibilities for waste minimization or source reduction at your facility. In the meantime, if you have immediate questions about pollution prevention, please feel free to contact her at 271-6398.

As a service to New Hampshire's hazardous waste generators, we maintain a Hazardous Waste Assistance Hotline which is available for you to contact our knowledgeable staff of hazardous waste inspectors. Our hazardous waste staff is available to answer your questions concerning the New Hampshire Hazardous Waste Rules and the compliance issues which affect your hazardous waste management program. The technical assistance available through the Hotline includes fact sheets that pertain to the management and recycling of specific wastes, summary sheets of specific sections of the Hazardous Waste Rules, copies of EPA and New Hampshire hazardous waste policy or regulatory interpretation letters that may benefit your operation, and networks with other state or federal agencies to answer your questions on a national level. The Hotline is available Monday through Friday, 8:00 AM to 4:00 PM toll free at (866) HAZ-WAST (in-state only) or at (603) 271-2942.

If you believe that the deficiencies documented in this NOPV have been cited in error, or if you have any questions regarding this letter, please contact the lead inspector, Eric K. Abrams or John J. Duclos, Supervisor of the Hazardous Waste Compliance Section at 271-2942. Specific questions regarding water related issues may be directed to Sharon Nall of DES's Water Division at 271-3307, and for air related issues, please contact Pam Monroe of DES's Air Resources Division at 271-1370. Thank you for your cooperation.

Sincerely,



Kenneth W. Marschner, Administrator
Waste Management Programs
Waste Management Division

cc DB/RCRA/NOPV/Archives
Anthony P. Giunta, P.G., Director, Waste Management Division
Gretchen Rule Esq., Administrator, DES Legal Unit
Shawn Banker, Director of Engineering, Velcro

E-mail: JJD/SD/SN/PM

Enclosure Inspection Modules
Hazardous Waste Generator Notification Form